1471

The Mysore Gazette.

Vol. 42.] PUBLISHED BY AUTHORITY. [No. 31.

BANGALORE, THURSDAY, AUGUST 1, 1907.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 29—L. C., dated the 26th July 1907.

Under Rule 31 of the Rules framed under Regulation I of 1907, the following bills together with the statement of objects and reasons are published for general information :—

THE VILLAGE OFFICES BILL.

A bill to consolidate and amend the Law relating to Village Offices in Mysore.

Preamble.

Whereas it is expedient to consolidate and amend the law relating to village offices in Mysore; His Highness the Maharaja is pleased to enact as follows :—

Short title, extent and commencement.

1. (1) This Regulation may be called the Mysore Village Offices Regulation, 190....

(2) It extends to the whole of Mysore, and

(3) It shall come into force with effect from the expiry of one month from the date of its first publication in the official Gazette.

Definitions.

2. In this Regulation, unless there is something repugnant in the subject or context,—

"Village."

"Village" means any local area now recognised as a village or hereafter declared by Government to be a village.

"Village Office."

"Village Office" means every office to which emoluments have been attached and which is held for the performance of duties connected with the administration or collection of the revenue, or with the maintenance of order or with the settlement of boundaries, or other matters of civil administration pertaining to a village, whether the services originally appertaining to the office continue or have ceased to be performed or demanded, and by whatsoever designation the office may be locally known :

Provisos.

Provided as follows :—

(1) The Government may, by notification in the official Gazette, exclude any village office or offices from the operation of all or any of the provisions of this Regulation, and may in like manner amend or cancel such notification.

(2) The Government shall have power to decide, in case of doubt, whether any office falls under the definition of village office.

"Village Officer." "Village Officer" means an officer holding a village office or appointed to perform or performing the duties of a village officer.

"Emoluments." "Emoluments" means and includes

(i) lands;
(ii) assignments of revenue payable in respect of lands;
(iii) fees in money or agricultural produce;
(iv) money-salaries and all other kinds of remuneration, granted or continued in respect of, or annexed to, any village office by the State.

"District Deputy Commissioner." "District Deputy Commissioner" means the chief local officer in charge of the revenue administration of a district.

"Deputy Commissioner." "Deputy Commissioner" includes an Assistant Commissioner in charge of a division who, for the time being, is authorized to exercise the powers of a Deputy Commissioner.

Emoluments of village offices inalienable, and not liable to attachment.

3. The emoluments of village offices, whether such offices be or be not hereditary, shall not be liable to be transferred or encumbered in any manner whatsoever, and it shall not be lawful for any Court to attach or sell such emoluments or any portion thereof.

Villages may be grouped, amalgamated or divided.

4. (1) The Government may, with reference to rules made in this behalf under section 21, group or amalgamate any two or more villages or portions thereof so as to form a single new village, or divide any village into two or more villages and, thereupon, all village offices in the villages, portions of villages or village grouped, amalgamated or divided as aforesaid, shall cease to exist, and new offices shall be created for the new village or villages.

(2) In choosing persons to fill such new offices, the Deputy Commissioner shall select the persons whom he may consider the best qualified from among the families of the last holders of the offices which have ceased to exist.

Reduction of village offices.

(3) The Government may also direct that the number of village offices attached to a village shall be reduced, and, thereupon, the Deputy Commissioner shall dispense with the services of the officers no longer required and shall retain those whom he may consider to be best qualified to discharge the duties of the remaining offices.

Power to punish village officers.

5. (1) The Deputy Commissioner may, of his own motion or on complaint and after enquiry, fine, suspend, dismiss or remove any holder of a village office whether in an unalienated or alienated village, for misconduct or for neglect of duty or incapacity or for non-residence in the village or for any other sufficient cause.

(2) An Amildar or Deputy Amildar may, of his own motion or on complaint and after enquiry, fine any holder of a village office in an unalienated village for any of the causes specified in sub-section (1) and in such amount as the Government may, by general or special order, prescribe.

(3) The proprietor of an alienated village may, of his own motion or on complaint and after enquiry, suspend, dismiss or remove any holder of a village office in his village, except the patel, shanbhog, and the village watchman, for any of the causes specified in sub-section (1).

(4) The officer or person taking proceedings against a village officer under any of the preceding sub-sections of this section shall make a record of his reasons for so doing in writing and furnish a copy of the same to such village officer.

Rules to be observed in making appointments to the offices of patel, shanbhog, etc., in unalienated villages.

6. When a vacancy occurs in the office of patel, shanbhog, nirganti, toti or talari of an unalienated village, the Deputy Commissioner shall fill up the vacancy in accordance with the provisions of the following sub-sections:—

General qualifications requisite in all cases.

(1) No person shall be eligible for appointment who—

(*a*) is not of the male sex;
(*b*) has not attained the age of majority;

(c) is not physically and mentally capable of discharging the duties of the office;

(d) has not qualified according to the educational test, if any, prescribed for the office in question by rules made under section 21;

(e) has been convicted by a Criminal Court of any offence which, in the opinion of the Deputy Commissioner, disqualifies him for holding the office;

(f) by reason of his bad character or antecedents is, in the opinion of the Deputy Commissioner, disqualified for holding the office.

Rule of devolution of succession.

(2) The succession shall be regulated by the ordinary provisions of the Hindu Law: provided that it shall devolve on a single heir, and that, where there are more persons than one who would, under the ordinary provisions of the said law, be entitled to succeed to the last holder of the office, the preference shall, subject to the provisions of this section, lie with the eldest member of the eldest branch of such persons.

In certain cases person other than direct heir may be appointed.

(3) When the next heir is not qualified under sub-section (1), the Deputy Commissioner shall appoint the person next in order of succession (according to seniority of age in the senior branch) who is so qualified, and, in the absence of any such person in the line of succession, may appoint any person duly qualified under sub-section (1).

Temporary disqualification of heir in certain cases.

(4) Where an office has become vacant by the dismissal or suspension of the last holder, the Deputy Commissioner may direct that, until the death or return to duty of such last holder, the duties of the office shall be performed by some person duly qualified under sub-section (1) who is not an undivided member of the family of the dismissed or suspended officer; provided that, when the officer who has been dismissed dies, or if the officer who has been suspended dies while under suspension, the vacancy caused by such death shall be filled up in accordance with the provisions of sub-sections (2) and (3).

Procedure to be adopted when heir is a minor.

(5) When the person who would otherwise be entitled to succeed to an office is a minor, the Deputy Commissioner shall register the minor as the heir of the last holder and appoint some other person qualified under sub-section (1) to discharge the duties of the office until the person registered as heir, on attaining majority or within three years thereafter, is qualified under sub-section (1) to discharge the duties of the office himself, when he shall be appointed thereto. If the person registered as heir under this sub-section dies, or if he remains disqualified under sub-section (1) for three years after attaining majority, the Deputy Commissioner shall fill up the vacancy as provided in sub-sections (2) and (3).

Method of filling up vacancy caused by resignation, dismissal, removal or suspension.

(6) If a vacancy is caused by the resignation, dismissal, removal or suspension of the holder of an office and the Deputy Commissioner does not give the direction referred to in sub-section (4), he shall fill up the vacancy in accordance with the provisions of this section as if it had been caused by the death of the said holder; provided that, upon the expiry of the period of suspension of an officer who has been suspended, or if, for any reason, an officer who has been dismissed, removed or suspended, is permitted to resume the office from which he has been dismissed, removed or suspended, the person appointed to fill the vacancy caused by the said suspension, dismissal or removal shall cease to hold the office.

Rules to be observed in making appointments to the offices of patel, shanbhog, etc., in alienated villages.

(7) When a vacancy occurs in the office of patel, shanbhog, nirganti, toti, or talari of an alienated village, the proprietor of such village shall fill up the vacancy in accordance with the provisions of the following sub-sections:—

General qualifications requisite in all cases.

(1) No person shall be eligible for appointment who—

(a) is not of the male sex;

(b) has not attained the age of majority;

(c) is not physically and mentally capable of discharging the duties of the office.

(2) The succession shall be regulated by the ordinary provisions of the Hindu Law: provided that it shall devolve on a single heir, and that, where there are more persons than one who would, under the ordinary provisions of the said law, be entitled to succeed to the last holder of the office, the preference shall, subject to the provisions of this section, lie with the eldest member of the eldest branch of such persons.

Rule of devolution of succession.

(3) Where the next heir is not qualified under sub-section (1), the proprietor shall appoint the person next in order of succession according to seniority of age in the senior branch who is so qualified, and, in the absence of any such person in the line of succession, may appoint any person duly qualified under sub-section (1).

In certain cases person other than direct heir may be appointed.

(4) When the person who would otherwise be entitled to succeed to an office is a minor, the proprietor shall register the minor as the heir of the last holder and appoint some other person qualified under sub-section (1) to discharge the duties of the office, until the person registered as heir is qualified under sub-section (1) to discharge the duties of the office himself, when he shall be appointed thereto. If the person registered as heir under this sub-section dies, or if, on attaining majority, he proves to be disqualified under clause (*c*) of sub-section (1), the proprietor shall fill up the vacancy as provided in sub-sections (2) and (3).

Procedure to be adopted where heir is a minor.

8. The succession to village offices in unalienated and alienated villages other than those of patel, shanbhog, nirganti, toti and talari, shall devolve in accordance with the law or custom applicable thereto at the date on which this Regulation comes into force; or, in the absence of any such law or custom, in accordance with the provisions of sub-section (2) of section 6 and sub-section (2) of section 7 so far as applicable.

Succession in the case of offices other than patel, shanbhog, etc.

9. (1) Any person may sue before the Deputy Commissioner for any village office or for recovery of the emoluments of any such office, on the ground that he is entitled under sub-section (2) or (3) of section 6, or sub-section (2) or (3) of section 7, or section 8 of this Regulation, as the case may be, to hold such office and enjoy such emoluments; or being a minor, may sue before the Deputy Commissioner to be registered as heir of the last holder of any such office.

Suits for offices, for recovery of emoluments and for registry as heir.

Provided as follows:—

(i) No suit shall be entertained for a mere declaratory decree.

No suit for declaratory decree.

(ii) When one of the facts in issue in a suit is whether the emoluments of the office consist of land or of an assignment of revenue payable in respect of land, the Deputy Commissioner shall decide the claim on the assumption that only the said assignment constitutes the emoluments; but such decision shall not bar the right of the claimant to institute a suit in a Civil Court for recovery of the land itself.

Procedure in case of dispute as to nature of emoluments.

(2) If, at any time before the completion of the trial of a suit preferred under this section for any office or for the recovery of the emoluments of any office, it appears to the Deputy Commissioner that the claimant is not eligible for appointment under sub-section (1) of section 6 or sub-section (1) of section 7 of this Regulation, as the case may be, he shall pass an order rejecting the plaint.

Rejection of plaint when claimant is ineligible for appointment.

10. (1) No suit preferred before a Deputy Commissioner under the last preceding section shall be entertained which is not preferred within three years from the date of the cause of action arising, whether such date be before or after the commencement of this Regulation.

Limitation of time within which suits may be brought.

Provided that, in the case of a person who, by reason of minority, was disqualified for holding office, the right to sue for such office or for the recovery of the emoluments thereof shall accrue from the date of his attaining majority.

Limitation in case of minority.

(2) No application for the execution of a decree or order passed under this Regulation shall be entertained, if made after the expiration of one year from the date of such decree or order.

Limitation of time within which execution of decree or order may be applied for.

(3) Decrees or orders passed previous to the commencement of this Regulation in regard to claims to village offices or the emoluments annexed thereto, may be executed under the provisions of this Regulation; provided that no application for the execution of any such decree or order shall be entertained if made either after the expiration of three years from the date of such decree or order or after the expiration of one year from the commencement of this Regulation.

Execution of decrees and orders passed previous to commencement of this Regulation.

(4) In cases in which the decree or order sought to be executed was appealed against, the periods of limitation prescribed in sub-sections (2) and (3) shall commence from the termination of the appeal.

Limitation when appeal preferred.

11. The District Deputy Commissioner may transfer to his own file any suit on the file of any Assistant Commissioner in charge of a division in the district, or transfer any suit from the file of one such Assistant Commissioner to that of another or to the file of an Assistant Commissioner not in charge of a division, for disposal.

Power of District Deputy Commissioner in regard to transfers of suits.

12. (1) The trial of suits under this Regulation shall be regulated by rules made by Government under section 21 and by the following provisions:—

Procedure to be observed in trying suits.

(i) A date shall be fixed for the hearing of the suit and the same shall be notified to the parties, who shall be entitled to be heard in person or by agent;

Date of hearing to be fixed and parties to be heard.

(ii) The parties shall be entitled to produce witnesses and to demand that any person whose evidence they require shall be summoned as a witness or that any person shall be summoned to produce a document, and the officer trying the suit shall comply with such demand, unless, for reasons to be recorded, he considers it unnecessary to do so;

Witnesses may be produced or summoned.

(iii) The officer trying the suit shall record in his own hand a memorandum containing the material averments of the parties, the material portions of the evidence, his decision and the reasons therefor.

Record of proceedings.

(2) Every person to whom a summons is issued under this section shall be legally bound to obey the same.

Obligation to obey summons.

13. Decrees and orders passed in suits under this Regulation may provide for payment of costs according to such scale and subject to such rules as may be prescribed by Government under section 21, and shall be executed in accordance with rules to be made under the said section.

Decrees may provide for costs and shall be executed according to rules made by Government.

14. (1) If, before or during the hearing of a suit under this Regulation or of appeal against a decree or order passed in a suit under this Regulation, or if, in the execution of any such decree, any question of law or usage having the force of law, or of the construction of a document which construction may affect the merits, arises, and the officer trying the suit or appeal or executing the decree entertains reasonable doubt on such question, he may, either of his own motion or on the application of any of the parties, draw up a statement of the facts of the case and the point on which doubt is entertained and refer such statement for the decision of the Chief Controlling Revenue authority and shall stay further proceedings until the said decision is communicated to him.

In certain cases Deputy Commissioner may refer question of law to the Chief Controlling Revenue authority.

(2) If the officer making the reference to the Chief Controlling Revenue authority is not the District Deputy Commissioner, the reference shall be made through the District Deputy Commissioner.

(3) The Chief Controlling Revenue authority shall, if any of the parties so request, hear him or his agent and shall decide the point referred and transmit a copy of its judgment to the officer by whom the reference was made, and the said officer shall, on receipt thereof, proceed to dispose of the case in conformity with the decision of the Chief Controlling Revenue authority, and the correctness of the decision of the Chief Controlling Revenue authority shall not be contested in any appeal made under this Regulation.

Procedure to be followed in case of such reference.

Decision of Chief Controlling authority not to be contested.

15. All suits brought and appeals made previous to the commencement of this Regulation shall, after the commencement thereof, be heard and disposed of as if they had been preferred under this Regulation.

Disposal of suits and appeals pending at commencement of Regulation.

16. No Civil Court shall have authority to take into consideration or decide any claim to succeed to, or to the possession of, any village office, or any question as to the rate or amount of the emoluments of any village office, or except as provided in proviso (ii) to sub-section (1) of section 9, any claim to recover the emoluments of any such office.

Jurisdiction of Civil Courts barred.

Provided that, if, in any suit instituted under this Regulation, the defendant has pleaded before the Deputy Commissioner that a Revenue Court has no jurisdiction to entertain the suit, on the ground that no emoluments, as defined in this Regulation, appertain to the office in respect of which the suit is brought, and if, on appeal preferred from the decree in such suit, the appellate authority has decided adversely to such plea, the defendant may, within six months from the date of the appellate decree, institute a suit in a Civil Court to set aside such appellate decree on the said ground and on that ground only.

Proviso.

17. (1) From every order passed by a Deputy Commissioner under section 4 or 5, and from every decree or order passed by a Deputy Commissioner in a suit preferred under section 9, an appeal shall lie, within one month, to the District Deputy Commissioner, or, if the said order or decree was passed by the District Deputy Commissioner, an appeal shall lie, within three months, to the Chief Controlling Revenue authority. The decision, on appeal, of the District Deputy Commissioner or the Chief Controlling Revenue authority, as the case may be, shall be final.

Appeal against order or decree of Deputy Commissioner.

Provided that, in respect of the offices of patel and shanbhog, a second appeal shall lie, within three months, to the Chief Controlling Revenue authority, against the decision on appeal of the District Deputy Commissioner in suits preferred under section 9 and in cases of dismissal of a village officer under section 5.

Second appeal in certain cases.

(2) From every order passed by an Amildar or Deputy Amildar under sub-section (2) of section 5 and from every order passed by a proprietor under sub-section (3) of section 5, an appeal shall lie within one month, to the Deputy Commissioner, whose decision shall be final.

Appeal against order of Amildar or Deputy Amildar or proprietor.

18. If the officer to whom an appeal is presented under this Regulation in the capacity of District Deputy Commissioner or Deputy Commissioner, happens to be the officer who passed the decision which is appealed against in anthor capacity, he shall report the fact to the Chief Controlling Revenue authority or to the District Deputy Commissioner, as the case may be, and the appeal shall be disposed of by the Chief Controlling authority or District Deputy Commissioner, and the order passed on appeal shall be final.

Disposal of appeal by officer who passed original order.

19. The provisions of sections 5 and 12 of the Indian Limitation Act, 1877, so far as they relate to suits, appeals and applications shall, *mutatis mutandis*, apply to suits, appeals or applications for the execution of decrees or orders, instituted, preferred or made under this Regulation.

Certain sections of the Limitation Act apply.

20. The Government may declare that the powers of punishing village officers which are vested in the Deputy Commissioner by this Regulation shall be exercised in any specified local area by the Superintendent or Assistant Superintendent of Police in respect of all, or any of, the village watchmen or Police officers in that local area. From every order fining, suspending, dismissing or removing a village watchman or Police officer passed by a Superintendent or Assistant Superintendent of Police by virtue of a declaration made under this section, an appeal shall lie, within one month, to the District Deputy Commissioner, whose decision shall be final.

Power of Government to place village watchmen under Police authorities.

21. (1) The Government may, by notification in the official Gazette, make rules, not inconsistent with this Regulation, in regard to the following matters :—

Government may make rules on certain subjects.

(i) the division, grouping and amalgamation of villages ;

(ii) the holding of enquiries under sections 4 and 5, and the hearing of appeals under section 17 ;

(iii) the educational qualifications, if any, required of the holders of village offices ;

(iv) the procedure to be followed in disposing of suits and appeals from decrees or orders passed in suits and the registers to be maintained in connection therewith ;

(v) the execution of decrees and orders passed in suits and the taxation of costs ;

(vi) the emoluments to be assigned to the holders of village offices, and the method of assessment and payment thereof ;

(vii) the duties of holders of village offices, and the descriptions and forms of the accounts and registers to be kept by them ;

(viii) the custody, production and transfer of the accounts and other records kept by holders of village offices ;

(ix) any other matters calculated to enhance the efficiency of the village service, or connected with the carrying out of the purposes of this Regulation.

(2) Until rules are made by Government in respect of any of the matters referred to in the preceding sub-section, the rules, if any, in force with regard thereto immediately previous to the commencement of this Regulation shall, so far as they are consistent with this Regulation, be deemed to be in operation and to have been made under the preceding sub-section.

Until such rules are made, existing rules to be in force.

STATEMENT OF OBJECTS AND REASONS.

The necessity for replacing the existing scattered and disjointed body of rules and orders with regard to village offices in Mysore by a systematic scheme of legislation has engaged the consideration of Government for some time past. Of these rules and orders a few, such as the Rules* for the remuneration of patels and shanbhogs and minor village servants have the force of law ; others are orders passed by Government in appeals from the decisions of Revenue Officers in regular suits ; and a large number are merely administrative orders passed on the miscellaneous side and as such liable to be disregarded by subordinate officers in regular suits. The course of decisions, too, especially in the matter of succession to village offices, has not been by any means always uniform or certain ; with the result—which conflicting decisions induce—of encouraging litigation. Lastly, the success of the Revenue administration depends to a great extent upon the efficiency of the village service ; and the introduction of a law to regulate the latter and place it upon a proper basis follows naturally on the introduction of the Land Revenue Code, which has governed the former for the last fifteen years.

* Issued under the authority of the Government of India, with the Chief Commissioner's Notifications No. 219, dated the 27th October 1874, and No. 123, dated the 1st August 1878.

Such, then, is the occasion for the accompanying Draft Regulation, which, it may be observed, follows to a large extent (but with important variations) the lines of the Madras Hereditary Village Offices Act, III of 1895, the provisions of the latter being found, on careful examination, to be much better adapted to local requirements than are those of the Bombay Hereditary Offices Act, III of 1874.

It now remains to describe briefly the main provisions of the proposed Regulation.

Section 2 deals with definitions.

Under the definition of "village" here given, it will be possible to declare two or more villages ordinarily so called to be a single village for the purposes of the Regulation.

The characteristics of a "Village Office" as here defined are—

(i) the assignment of "emoluments" (a term defined comprehensively in the same section); and (ii) the annexing to the office of duties connected with some branch of the Civil administration pertaining to a village, whether these duties are actually demanded or not.

The provisos give power to Government, on the one hand, to exclude any office from the operation of the Regulation, and, on the other, to decide whether a particular office falls under the definition or not.

The destinction drawn between "Deputy Commissioner" (a term applicable in certain cases to a Divisional Assistant Commissioner) and "District Deputy Commissioner" (denoting the Chief Revenue Officer of the District) is a convenient one, and has been taken from the Madras General Clauses Act, 1891.

Section 3 embodies the existing law with respect to the inalienability of emoluments and their non-liability to attachment and sale by Courts.

Section 4 empowers Government to group, amalgamate or divide villages, and to reduce the number of offices, in a village, as may be necessary.

Section 5 deals with the powers of Deputy Commissioners, Amildars and Inamdars to punish village officers for reasons to be recorded in writing. In consonance with the existing practice, the powers of the Deputy Commissioner to punish officers in alienated villages have been assimilated to those with respect to officers in Government villages. In Madras, the latter powers are subject to restriction.

Sections 6 and 7 declare the rules to be observed in making appointments to the five main village offices of patel, shanbhog, nirganti, toti and talari. It is merely necessary to note that these rules will, among other things, do away with the right of females in certain circumstances, to be registered as the holders of village offices, but not of course, so as to interfere with claims to succession being traced *through* females, and that the rule of devolution of succession to a single heir as laid down will exclude the performance of duties by rotation; the latter being a system attended with many difficulties, not satisfactory on the one hand to the parties concerned, and not conductive, on the other, to the efficiency of business, besides leading to faction, litigation and intrigue and to a relaxation of the sense of responsibility. It may also be remarked that, under Section 7, the confirmation of the Deputy Commissioner will not in future be necessary, as at present, for appointments of patels and shanbhogs made by proprietors of Inam villages.

Section 8 deals with succession in the case of other village offices than the five specified, where such exist and are recognized. But, as a matter of fact, it may be observed that the connection of Government with such other offices comprised in the ancient *barabaluti* system has practically ceased.

Sections 9 to 15 and 17 to 19 embody the usual provisions about suits, procedure, appeals, limitation and similar matters.

Section 16 bars the jurisdiction of Civil Courts in regard to claims for the succession of village offices in respect of emoluments.

Section 20 will probably become unnecessary on the passing of the Police Regulation now before Government.

Section 21 enumerates the matters in regard to which Government may frame rules; and declares that, till rules as so made, the existing rules shall continue in force.

THE MYSORE POLICE BILL.

CONTENTS.

CHAPTER I.

SECTION. PRELIMINARY.

1. (1) Short title.
   (2) Extent.
   (3) Commencement.
2. Repeal of enactments.
3. Rules as to Village Police.
4. Definitions.
   (*a*) "Inspector-General," "Deputy Inspector-General," "Assistant Inspector-General," "District Superintendent," "Assistant Superintendent."
   (*b*) "District Superintendent."
   (*c*) "*Inspector*."
   (*d*) "Police Officer."
   (*e*) "Constable."
   (*f*) "District."
   (*g*) "Taluk" and "Sub-Taluk."
   (*h*) "Street."
   (*i*) "Common gaming-house."
   (*j*) "Cattle."
   (*k*) Words and expressions defined in the Criminal Procedure Code.

CHAPTER II.

ORGANIZATION OF THE *Regular* POLICE.

5. Constitution of Police force.
6. (1) Appointment of Inspector-General of Police;
   (2) And of Deputy or Assistant Inspector-General.
   (3) Their suspension or removal.
7. Appointment of District and Assistant Superintendents.
8. Appointment of Inspectors.
9. Appointment of Police officers below the grade of Inspector.
10. (1) Certificates of appointment to be given to Inspectors.
    (2) Certificates of office to be given to Police officers below the grade of Inspector.
11. (1) Powers, etc., of persons appointed as aforesaid.
    (2) (*a*) Such certificates when to become null and void.
    (*b*) Temporary suspension of powers, etc., of Police officers.
12. *General powers of the Inspector-General.*
13. Inspector-General to have Magisterial powers, and to exercise them subject to limitations imposed by Government.
14. General powers of Deputy Commissioner.
15. (1) Powers of Superintendent.
    (2) Powers of Amildar, Deputy Amildar, *and Inspector.*
16. Deputy Commissioner may make necessary distribution of Police force.
17. (1) Appointment of Special Police officers.
    (2) Powers and responsibilities of Special Police officers.
18. (1) Employment of additional Police at request of persons showing the necessity therefor.
    (2) Cost thereof.
    (3) Proviso regarding relief from cost.
19. (1) Employment of additional Police near large works.
    (2) Cost thereof.
20. Disputes as to payment of cost.
21. (1) Employment of additional Police in cases of special danger to public peace.
    (2) Cost thereof.

SECTION.

(3) Extension of period for payment of cost.
(4) Assessment of cost.
(5) Exemption from liability to bear cost.
22. (1) *Application for* compensation for injury caused by *misconduct of inhabitants or* unlawful assembly.
(2) Compensation how recoverable.
(3) Exemption from liability to pay compensation.
(4) Conditions under which compensation recoverable.
(5) Orders of Deputy Commissioner subject to revision.
(6) Bar to maintaining civil suit.
23. Recovery of rates and charges under Sections 20 and 21 by Deputy Commissioner.

CHAPTER III.

REGULATION, CONTROL AND DISCIPLINE OF THE POLICE FORCE.

24. Framing of rules for administration of Police.
25. Inspector-General may make inspections and call for returns, etc.
26. (1) Punishment of Police officers departmentally for neglect of duty, etc.
(2) Punishment under this section to be in addition to penalty under Section 33, 58 or 59.
(3) Punitive powers of Inspector-General and Deputy Commissioner.
27. (1) Procedure to be observed in awarding punishment.
(2) *Appeals.*
28. (1) Departmental punishment for insubordination.
(2) Procedure to be observed in awarding such punishment.
29. Police officers to be deemed to be always on duty and to be liable to employment in any part of Mysore.
30. (1) Police officer not to engage in trade, etc.
(2) Police officers not to be employed on other than Police duties.
(3) These prohibitions to apply also when Police officer is on leave or under suspension.
31. (1) Under what conditions Police officer may resign.
(2) Proviso.
(3) Arrear pay of Police officer contravening this section may be forfeited.
32. (1) Certificate, arms, etc., to be delivered up by person ceasing to be Police officer, and
(2) If not delivered up may be seized under search warrant.
(3) Saving of certain articles.
33. (1) Penalty for making false statement, etc., and
(2) For misconduct of Police officers.
(3) Consequence of failure to return to duty after leave.
34. Penalty for failure to deliver up certificate of appointment or of office or other article.

CHAPTER IV.

POLICE REGULATIONS.

35. *Power of Government to make orders in matters under Section 144 of Criminal Procedure Code.*
36. (1) Rules may be made by District Magistrate regarding use of streets, etc.
(2) Manner of publication of such rules.
(3) Rules under clause (1) (*k*) to be reported to Government.
37. Discontinuance of brothels.
38. District Magistrate, etc., may authorise Police officer to enter common gaming-house.
39. (1) Issue of orders by Magistrates for prevention of disorder.
(2) Orders by subordinate Magistrates to be communicated to District Magistrate.
40. Issue of orders by Magistrate of District for prevention of riot or grave disturbance of peace.

SECTION.

41. (1) Issue of orders by Magistrate of District for maintenance of order at religious ceremonials, etc.
(2) Orders to be subject to decrees, etc., of Courts.
42. (1) District Magistrate may take special measures to prevent outbreak of epidemic disease at fairs, etc.
(2) Levy of fees in such cases.
(3) Recovery of expenses from Municipalities.
43. Dispersal of gangs and bodies of persons.
44. (1) Police to provide against disorder, etc., at public places of amusement and public meetings.
(2) Police to have free access thereto.
45. (1) Police to regulate assemblies, etc., in public streets.
(2) Manner of publication of such rules and orders.
(3) Powers with regard to assemblies, etc., violating such rules or orders.
(4) Assembly violating such orders to be deemed unlawful assembly.
46. (1) Provisions as to dogs.
(2) When dogs may be destroyed or sold by Police.
(3) How expenses may be recovered.
(4) Provision in case of dog wearing collar with owner's address.

CHAPTER V.

EXECUTIVE POWERS AND DUTIES OF THE POLICE.

47. (1) Duties of Police officer.
(2) Power to enter places of public resort *without warrant.*
(3) Power to search suspected persons in the streets.
48. Duties of Police officers towards the public.
49. (1) (*a*) Police to regulate traffic, etc., in streets; and
(*b*) to keep order in streets and other public places, and
(*c*) to regulate resort to public places.
(2) Persons bound to conform to reasonable orders of Police.
(3) Police officer may restrain or remove contumacious person.
50. Enforcement of orders issued under Section 39, 40 or 41.
51. Duty of Police to see orders issued under Section 42 or 43 carried out.
52. Police officer may take charge of stray cattle.
53. Duty of Police with regard to unclaimed property.
54. Superior Police officer may himself perform duties imposed on his inferior, etc.

CHAPTER VI.

OFFENCES AND PUNISHMENTS.

55. Punishment of certain street offences and nuisances;
(*a*) driving on dark nights without light;
(*b*) disregarding rule of road;
(*c*) leaving cattle, etc., insufficiently tended;
(*d*) causing obstruction or mischief by animals;
(*e*) exposing animals for hire or sale, etc;
(*f*) causing any obstruction in street;
(*g*) obstructing foot-way;
(*h*) exhibiting mimetic, musical or other performances, etc.;
(*i*) gambling in street;
(*j*) doing offensive acts on or near public streets;
(*k*) letting loose horses, etc., and suffering ferocious dogs to be at large;
(*l*) bathing or washing in place not set apart for those purposes;
(*m*) defiling water in public wells, etc.;
(*n*) obstructing bathers;
(*o*) behaving indecently in public;

SECTION.

(p) being drunk and incapable;

(q) obstructing or annoying passengers in streets;

(r) misbehaviour with intent to provoke breach of peace;

(s) begging and exposing offensive ailments;

(t) throwing dirt into street;

(u) neglecting to protect dangerous places;

(v) affixing bills or defacing walls;

(w) soliciting for prostitution;

56. Punishment for cruelty to animals.

57. Penalty for refusal to serve as Special Police officer.

58. Penalty for vexatious search, arrest, etc., by Police.

59. Penalty for vexatious delay in forwarding person arrested.

60. Penalty for contravention of rules under Section 36, or of directions under Section 49.

61. Penalty for failure to comply with order under Section 37.

62. (1) Penalty for opening, etc., common gaming-house.

(2) Penalty for being found gaming in common gaming-house.

63. Instruments of gaming may be ordered to be destroyed on conviction.

64. Indemnification of witnesses.

65. Saving of games of skill.

66. Payment of portion of fine to informer or Police.

67. Penalty for setting birds and animals to fight in public street or place.

68. Penalty for being found armed between sunset and sunrise intending to commit an offence, etc.

69. Penalty for contravention of rules or directions under Sections 39, 40, 41, 44 and 45.

70. Penalty for contravention of regulation made under Section 42.

71. Penalty for contravention of direction given under Section 43.

72. Penalty for opposing or not complying with direction given under Section 50.

73. Jurisdiction when offender is Police officer above the rank of constable.

74. Prosecution instituted for certain offences against Regulation to be in discretion of Police.

75. Prosecution for offences under other enactments not affected by Regulation.

CHAPTER VII.

MISCELLANEOUS.

76. Disposal of rewards, etc., payable to Police officers.

77. No Municipal or other rates to be payable by Government on Police buildings.

78. (1) Power of Government to make rules.

(2) Surveillance, etc., of criminal gangs.

(3) Publication of rules.

(4) Penalty for breaches of rules.

79. Method of proving orders and notifications issued under Regulation.

80. Rules and orders not to be deemed invalid on account of defect of form or irregularity in procedure.

81. (1) No Magistrate or Police officer to be liable to penalty or damages for act done in good faith in pursuance of duty.

(2) No public servant liable as aforesaid for giving effect in good faith to any rule, order or direction issued with apparent authority.

(3) Suits or prosecutions in respect of acts done under colour of duty as aforesaid not to be entertained or to be dismissed if instituted *after one year*.

(4) Tender of amends.

82. Regulation not to affect any law relating to Municipality.

SCHEDULE A.—Enactments repealed.

SCHEDULE B.—Forms of Certificates of *appointment for Inspector and for* Police officer below the grade of Inspector.

THE MYSORE POLICE BILL. 1483

A Bill to Consolidate and amend the Law relating to the Police of Mysore.

Whereas it is expedient to amend the law relating to the Police of Mysore: His Highness the Maharaja is pleased to enact as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

1. (1) This Regulation may be cited as the Mysore Police Regulation, 190 .

Extent.

(2) It extends to the whole of Mysore; and

Commencement.

(3) It shall come into force at once.

Bom.—IV of 1890, s. 2.

Repeal of enactments.

2. The enactments mentioned in Schedule A are repealed to the extent specified in the third column thereof.

All references made in any enactment in force to any enactment hereby repealed shall be read as if made to the corresponding portion of this Regulation.

All rules prescribed, appointments made, powers conferred, and orders and certificates issued under any such enactment shall, so far as they are consistent with this Regulation, be deemed to have been respectively prescribed, made, conferred and issued hereunder.

New.

Rules as to Village Police.

3. (1) The Government may, from time to time, by notification in the official Gazette make rules having the force, of law regarding the organization and regulation of the village Police in Mysore *and may cancel, alter or add to such rules; and the Government* may, by such rules, among other matters,

(i) provide for the entertainment of such village headmen, village watchmen, totis, talaris, and other establishments of village Police as may be necessary for each village or place, the appointment of permanent, temporary or acting incumbents for the said offices, and their remuneration;

(ii) define the relations of members of the village Police to one another and to the regular Police;

(iii) prescribe the powers and duties of village Police officers of different grades as regards the collection and communication of intelligence regarding the condition of the community, the state of crime, the commission of offences, the occurrence of suspicious or unnatural deaths, and the like, the execution of processes, the apprehension of offenders or suspicious characters, the conduct of searches, the holding of inquests, the custody and disposal of unclaimed property, the investigation of offences, the examination of witnesses, the taking of precautionary measures against dangers to the public health, peace or safety, the maintenance and charge

1484

of *village boundary hedges and walls, gates, Chavadi and other buildings,* and other matters;

(iv) require the inhabitants of villages to aid the village Police, when called upon to do so, in keeping watch and patrolling their villages at night, in preventing or resisting robbery or other cognizable offences, in pursuing or apprehending offenders, in the recovery of stolen property, in the maintenance of village fences and village gates in good order, and in carrying out other communal purposes of a like nature;

(v) define the ordinary powers of village headmen and the powers with which village headmen may be specially invested, in respect of the trial and punishment of offenders, and the procedure to be followed in the exercise of such powers;

(vi) provide for the punishment departmentally or otherwise of members of the village Police for misconduct or dereliction of duty; and

(vii) attach to the breach of any rule under this section a penalty on conviction before a Magistrate not exceeding one hundred rupees.

(2) Until such rules shall be made and published as aforesaid, the "Rules for the organization and regulation of the village Police in Mysore," published under the Notification of the Government of India, Foreign Department, No. 230 J., dated the 16th October 1872, and as subsequently amended from time to time, shall continue to be in force, and shall be deemed to be rules made under this section.

Bom.—IV of 1890, s. 3.

Definitions.

4. In this Regulation, unless there be something repugnant in the subject or context:—

"Inspector-General," "Deputy Inspector-General," "Assistant Inspector-General," "District Superintendent," and "Assistant Superintendent."

(*a*) "Inspector-General," "Deputy Inspector-General," "Assistant Inspector-General," "District Superintendent" and "Assistant Superintendent" mean, respectively, the Inspector-General of Police, a Deputy Inspector-General of Police, an Assistant Inspector-General of Police, a District Superintendent of Police and an Assistant Superintendent of Police appointed under this Regulation;

From Act VIII of 1895.

"District Superintendent"

(*b*) "District Superintendent" includes any Assistant Superintendent or other person appointed by general or special order of the Government to perform all or any of the duties of a District Superintendent of Police under this Regulation in any district or part of a district;

New clause.

"Inspector."

(*c*) *Subject to such rules and orders as the Government may pass,* "*Inspector*" *includes* "*Sub-Inspector*" *and* "*Jamadar.*"

"Police Officer."

(*d*) "Police Officer" means *any member of the regular Police force* appointed under this Regulation;

"Constable."

(*e*) "Constable" means a Police officer of the lowest grade;

New.

(*f*) "District" means a territorial division constituting a district for the purposes of the Mysore Land Revenue Code, 1888, and includes a portion of a district placed under the charge of *a District Superintendent for the purposes of this Regulation*;

"District."

New.

(*g*) "Taluk" and "Sub-Taluk" mean, respectively, the local limits within which an Amildar and a Deputy Amildar ordinarily exercise revenue jurisdiction under the Mysore Land Revenue Code;

"Taluk" and "Sub-Taluk."

(*h*) "Street" includes any highway and the way over any causeway, bridge, viaduct or arch, and any road, lane, footway, square, court, alley, or passage accessible to the public, whether a thoroughfare, or not;

"Street."

(*i*) "Common gaming-house" means any building, enclosure, room or place, in which, cards, dice, tables or other instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using, or keeping such building, enclosure, room or place, whether by way of charge for the use of instruments of gaming, or of the building, enclosure, room or place, or otherwise howsoever.

"Common gaming-house."

(*j*) "Cattle" includes elephants, camels, horses, asses, mules, sheep, goats and swine;

"Cattle."

(*k*) Words and expressions which are defined in the Code of Criminal Procedure have the same meaning as in that Code.

Words and expressions defined in the Criminal Procedure Code.

CHAPTER II.

ORGANIZATION OF THE *Regular* POLICE.

Adapted from Act V of 1861, s. 2.

5. The entire Police establishment under the Government shall, for the purposes of this Regulation be deemed to be one Police force and shall consist of such number of officers and men, and shall be enrolled and constituted in such manner, and receive such pay, as shall from time to time be ordered by Government.

Constitution of Police force.

Vide Bom.—IV of 1890, s. 5.

6. (1) *The Government may appoint an Inspector-General of Police for the direction and supervision of the Police force in Mysore.*

Appointment of Inspector-General of Police;

(2) The Government may appoint one or more Deputy or Assistant Inspectors-General of Police, to whom Government may assign such duties being amongst the lawful duties of the Inspector-General of Police, or in aid and furtherance thereof, as shall to Government seem expedient.

and of Deputy or Assistant Inspector-General.

(3) The Inspector-General and Deputy or Assistant Inspector-General may be suspended or removed from office by Government.

Their suspension or removal.

Bom.—IV of 1890, s. 6.

1486

Appointment of District and Assistant Superintendents.

7. The Government may appoint for each district such Superintendents and Assistant Superintendents of Police as it may think expedient, and may dismiss, suspend, reduce, remove or transfer any of such officers as it may think fit.

Vide Bom.—IV of 1890, s. 8.

Appointment of Inspectors.

8. *The appointment of Inspectors shall, subject to the rules and orders of Government, vest in the Inspector-General.*

Bom.—IV of 1890, s. 9.

Appointment of Police officers below the grade of Inspector.

9. Police officers below the grade of Inspector shall be appointed in each district by the Deputy Commissioner *and the District Superintendent*, subject to such rules as the Government may from time to time prescribe.

Bom.—IV of 1890, s. 10.

Certificates of appointment to be given to Inspectors.

10. (1) An Inspector shall, on appointment, receive from the Inspector-General a certificate of appointment *in Form I of Schedule B.*

Bom.—IV of 1890, s. 11 (1).

Certificates of office to be given to Police officers below the grade of Inspector.

(2) Every Police officer below the grade of Inspector shall, on enrolment, receive a certificate *in Form II of Schedule B*, from the Deputy Commissioner of the District in which he is enrolled.

Bom.—IV of 1890, s. 11 (2).

Powers, etc., of persons appointed as aforesaid.

11. (1) Every person appointed as aforesaid shall, in virtue of such appointment, be vested with the powers, functions, privileges and responsibilities of a Police officer.

Bom.—IV of 1890, s. 11 (3) (a) with an addition.

Such certificates when to become null and void.

(2) (*a*) Every certificate of appointment shall become null and void whenever the person named therein ceases for any reason *to be a Police officer* and shall be forthwith surrendered by him to any officer empowered to receive the same.

Vide Bom.—IV of 1890, s. 11 (3) (b).

Temporary suspension of powers, etc., of Police officers.

(*b*) *A Police officer shall not, by reason of his being suspended from office, cease to be a Police officer, but during the term of such suspension, the powers, functions and privileges vested in him shall be in abeyance and he shall continue subject to the same responsibilities and subject to the same authorities as if no such suspension had taken place.*

New.

General powers of the Inspector-General.

12. *The Inspector-General shall be the head of the Police Department and the adviser of Government in all matters connected with the Police. He will exercise general control over the Police force and over crime —more particularly organized and professional crime—and subject to the approval of Government he may make rules and orders under the provisions of Sections 24 and 25 of this Regulation.*

Bom.—IV of 1890, s. 7.

Inspector-General to have magisterial powers; and to exercise them subject to limitations imposed by Government.

13. The Inspector-General of Police shall have the powers of a Magistrate of the 1st Class throughout Mysore, but shall exercise such powers subject to such limitation as may from time to time be imposed by Government.

Adapted from s. 12, Bom. IV of 1890 with additions.

General powers of Deputy Commissioner.

14. Subject to the general control of the Inspector-General, the Deputy Commissioner shall be the head of the Police in his district, and shall, as such, direct and regulate all matters *connected with the efficient discharge* of their duties by the Police force of his district.

New.

Powers of Superintendent.

15. (1) Subject to such rules and orders as may be made by Government in this behalf, and to the general control of the Deputy Commissioner, the District Superintendent may exercise all or any of the powers of the Deputy Commissioner under this Regulation; *and without prejudice to the powers and responsibility of the Deputy Commissioner, the District Superintendent shall have direct control over all ordinary matters connected with:—*

(a) Arms, accoutrements, clothing;

(b) Drill, exercise;

(c) Observation and surveillance of gangs, K. Ds suspects; collection and communication of intelligence and information; identification of persons by finger prints or otherwise;

(d) distribution of duties and beats;

(e) education of men and officers in laws; orders, and modes of Police Procedure; and

(f) all other ordinary matters of a routine nature; and may correspond direct with the Inspector-General in ordinary matters connected with arms, accoutrements, clothing, drill and discipline, escorts, reports and returns, identification of persons by finger prints or otherwise, and other routine matters.

Powers of Amildar, Deputy Amildar and Inspector.

(2) *Subject as aforesaid, the Amildar and Deputy Amildar shall be ex-officio Police officers within their revenue charge and shall have general powers of control over the Police and be responsible for the prevention and detection of crime and maintenance of order within such charge; and the Inspector shall be the executive head of the Police within his range subject to the general control and direction of the Amildar or Deputy Amildar.*

Vide Regular Police Rules, Rule 27.

Deputy Commissioner may make necessary distribution of Police force.

16. *Subject to the approval of the Inspector-General, the Deputy Commissioner may make such distribution or movement of the allotted Police force within his jurisdiction as may be found necessary to meet local requirements.*

Vide Bom.—IV of 1890, s. 21.

Appointment of Special Police officers.

17. *When it shall appear that any unlawful assembly or riot or disturbance of the peace has taken place or is reasonably apprehended and that the Police force ordinarily employed for preserving the peace is not sufficient for its preservation and for the protection of the inhabitants and the security of property in the place where such unlawful assembly or riot or disturbance of the peace has occurred, or is apprehended, it shall be lawful for any Magistrate in the neighbourhood, on the application of any Police officer having authority in the place, not below the rank of officer in charge of Police Station, to appoint, by a*

1488

written order signed by himself and sealed with his official seal, so many of the residents of the neighbourhood as may be required, to act as Special Police officers for such time and within such limits as he shall deem necessary.

Powers and responsibilities of Special Police officers.

(2) Every Special Police officer so appointed shall have the same powers, functions, privileges and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as an ordinary Police officer; but it shall not be necessary for him to receive a certificate of office under Section 10.

Bom.—IV of 1890, s. 22 with slight changes.

Employment of additional Police at request of persons showing the necessity therefor.

18. (1) *The Inspector-General, or the Deputy Commissioner subject to the approval of the Inspector-General*, may, on the application of any person showing the necessity therefor, depute any additional number of Police to keep the peace or to perform other Police duties at any place within *their respective jurisdiction.*

Cost thereof.

(2) Such additional Police shall be at the charge of the person making the application, but shall be subject to the orders of the Police authorities and shall be employed for such period *as may be deemed necessary.*

Proviso regarding relief from cost.

(3) Provided that, if the person upon whose application such additional Police are employed shall at any time make a written requisition to *the Inspector-General or* the Deputy Commissioner for the withdrawal of the said Police, he shall be relieved from the charge therefor on the expiration of such period, not exceeding one month from the date of delivery of such requisition, as *such officer* shall determine.

Bom.—IV of 1890, s. 23 with slight additions.

Employment of additional Police near large works.

19. (1) Whenever it shall appear to *the Inspector-General or* the Deputy Commissioner that the behaviour, or a reasonable apprehension of the behaviour, of the persons employed on any Railway, canal or other public work, or in or upon any manufactory or other commercial concern under construction or in operation at any place, necessitates the employment of additional Police at such place, such *officer* may, with the sanction of Government, depute such additional Police to the said place and keep the said Police employed *there* for so long as *he shall consider necessary.*

Cost thereof.

(2) Such additional Police shall be at the charge of the person by whom the work, manufactory or concern is being constructed or carried on, at such rates and *payable* at such times as the Deputy Commissioner, with the sanction of Government, *may prescribe.*

Bom.—IV of 1890, s. 24.

Dispute as to payments of cost.

20. *In the event of* any dispute in any case under section 18 or section 19, the decision of the Deputy Commissioner shall be conclusive as to the amount to be paid and as to the person by whom it is to be paid, and the sum so ascertained may be levied as if it were an arrear of Land Revenue.

Bom.—IV of 1890, s. 25.

Employment of additional Police in cases of special danger to public peace.

21. (1) The Government may, from time to time, by notification *duly published*, direct the employment of additional Police for such period as it shall think fit in any local area which shall apper to it to be in a disturbed or dangerous state, or in which the conduct of the inhabitants or of any particular section of the inhabitants shall, in its opinion, render it expedient temporarily to increase the strength of the Police.

Cost thereof.

(2) The cost of such additional Police shall, if Government so direct, be either in whole or in part defrayed by a tax imposed on the persons herein below mentioned, or by a rate assessed on the property of such persons, or both by a tax and by a rate *in such proportions as the Government may fix*, and charged—

(*a*) either generally on all persons who are inhabitants of the local area to which such notification applies; or

(*b*) specially on any particular section or sections or class or classes of such persons;

Explanation.—For the purposes of this section and of Section 21 "inhabitants" shall include persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area, and landlords who themselves or by their agents or servants collect rents or revenue, direct from raiyats or occupiers in such area, notwithstanding that they do not actually reside therein.

Extension of period for payment of cost.

(3) It shall be lawful for Government to extend the period for the payment of such tax or rate *for a term not exceeding in any case five years* beyond the period for which such additional Police are actually employed.

Bom.—IV of 1890, s. 25, cl. (4), with certain portions omitted.

Assessment of cost.

(4) The said tax shall be imposed, or the said rate shall be assessed, by the Deputy Commissioner at his discretion.

Exemption from liability to bear cost.

(5) It shall be lawful for Government, by order, to exempt any persons from liability to bear any portion of such cost.

Vide Bom.—IV of 1890, s. 25 A.

Application for compensation for injury caused by misconduct of inhabitants or unlawful assembly.

22. (1) *If death or grievous hurt or loss of or damage to property has been caused by or has ensued from the misconduct of the inhabitants or any class or section of them in any area referred to in the preceding section or by anything done in the prosecution of the common object of an unlawful assembly, it shall be lawful for any person or persons who claim to have suffered injury from such misconduct or act to make, within one month from the date of the injury or such shorter period as may be prescribed, an application to the Deputy Commissioner for compensation.*

Compensation how recoverable.

(2) With the previous sanction of Government obtained through the Inspector-General, the Deputy Commissioner may—

(*a*) after such enquiry as he deems necessary,

(i) determine the amount of the compensation which should be paid to *such* person or persons, and

1490

(ii) declare the local area, the inhabitants of which have, in his opinion, by their conduct caused or contributed to the holding of such assembly;

(*b*) recover the amount so determined, in such proportions as he may think proper, from all *or any of the* inhabitants of the local area so declared as aforesaid, or from any section or sections, or class or classes of such persons;

(*c*) award or apportion, all or any moneys so recovered to any person or among all or any persons whom he considers entitled to compensation in respect of the loss or damage or death or grievous hurt aforesaid.

Exemption from liability to pay compensation.

(3) It shall be lawful for Government, by order, to exempt any person from liability to pay any portion of such compensation.

Conditions under which compensation recoverable.

(4) No recovery shall be made and no compensation shall be granted under this section unless the Deputy Commissioner is satisfied that the person claiming compensation is himself free from claim, in respect of the occurrences which led to the death, grievous hurt, loss or damage as aforesaid.

Orders of Deputy Commissioner subject to revision.

(5) Every declaration, assessment and order made by the Deputy Commissioner under sub-section (1) shall be subject to revision by Government or by such officer as it from time to time empowers in this behalf, but save as aforesaid shall be final.

Bar to maintaining civil suit.

(6) No civil suit shall be maintainable in respect of any loss or injury for which compensation has been granted under this section.

Bom.—IV of 1890, s. 26, with omissions.

Recovery of rates and charges under Sections 20 and 21 by Deputy Commissioner.

23. Every tax imposed or rate assessed or amount recoverable by the Deputy Commissioner under the last two preceding sections or other provision of this Regulation, shall be recovered by the Deputy Commissioner as if it were an arrear of land revenue due by the person answerable therefor.

CHAPTER III.

REGULATION, CONTROL AND DISCIPLINE OF THE POLICE FORCE.

Framing of rules for administration of Police.

24. Subject to the orders of Government, the Inspector-General may, from time to time, make rules or orders not inconsistent with this Regulation or with any other enactment at the time in force—

(*a*) relating to the recruitment, organization, classification and discipline of the Police;

(*b*) regulating the inspection of the Police by his subordinates;

(*c*) determining the description and quantity of arms, accoutrements, clothing and other necessaries to be furnished to the Police

(*d*) for the institution, management and regulation of any Police fund for any purpose connected with the Police administration;

(*e*) regulating the distribution, movement and location of the Police;

(*f*) regulating the duties of Police officers of different grades;

(*g*) regulating the collection and communication by the Police of intelligence and information, and the investigation of crime;

(*h*) *prescribing the books and registers to be maintained and the returns to be submitted by the several Police officers;*

(*i*) generally, for the purpose of rendering the Police efficient and preventing abuse or neglect of their duties.

Bom.—IV of 1890, s. 15 and 28.

Inspector-General may make inspections and call for returns, etc,

25. The Inspector-General of Police may, subject to the rules and orders of Government, make periodical inspections of Police establishments and stations, and require from the Deputy Commissioner and other officers subordinate to him, returns, reports and statements, either particular or general, on subjects connected with the suppression of crime, the condition of the criminal classes, the maintenance of the order and the prevention of disorder, the regulation of assemblies and amusements, the distribution of the Police force, the utilization of auxiliary means, the performance by the Police of their duties, and all other matters in furtherance of his control of the Police force.

Bom.—IV of 1890, s. 29.

Punishment of Police officers departmentally for neglect of duty, etc.

26. (1) Any officer authorised by sub-section (3) in that behalf may suspend, reduce or dismiss any Police officer whom he shall think cruel, perverse, remiss or negligent in the discharge of his duty, or unfit for the same, and may fine, to an amount not exceeding one month's pay, any Police officer below the grade of Assistant Superintendent who is guilty of any breach of discipline or misconduct which does not require his suspension or dismissal, or who, by any act of his own, renders himself unfit for the discharge of his duty.

Punishment under this section to be in addition to penalty under Section 33, 58 or 59.

(2) Any punishment inflicted on a Police officer under this section shall be in addition to the penalty to which such officer is liable under Section 33, 58 or 59 of this Regulation or any other law in force.

Bom.—IV of 1890, s. 29 (3), with slight changes.

Punitive powers of Inspector-General and Deputy Commissioner.

(3) The Inspector-General shall have authority to punish *any Police officer* below the grade of Assistant Superintendent under sub-section (1). The Deputy Commissioner and the District Superintendent shall have each the like authority in respect of any Police officer subordinate to him below the grade of Inspector; and the Deputy Commissioner may suspend an Inspector who is subordinate to him, pending inquiry into a grave complaint against such Inspector and until an order of the Inspector-General can be obtained. But the exercise of any power conferred by this sub-section shall be subject always to such rules and orders as may be made by Government in that behalf.

Bom.—IV of 1890, s. 30.

1492

Procedure to be observed in awarding punishment.

27. (1) When any officer passes an order for fining, suspending, reducing or dismissing a Police officer, he shall record such order or cause the same to be recorded, together with the reasons therefor and a note of the inquiry made, in writing, under his signature in Kanarese or in English.

(2) *In regard to appeals against the orders aforesaid, the final authority in the case of constables, shall be the Inspector-General, and in the case of all other officers, appeals may lie to Government.*

Bom.—IV of 1890, s. 31.

Departmental punishment for insubordination.

28. (1) The Inspector-General or the Deputy Commissioner or any District Superintendent or Assistant Superintendent may punish by confinement for a period not exceeding three days, any Police officer below the rank of jamadar or head constable who is, in his presence, grossly insubordinate or who is insolent to him.

Procedure to be observed in awarding such punishment.

(2) Every order for punishing a Police officer as aforesaid shall be recorded in the manner prescribed in Section 27, and a copy of every such order made by a Deputy Commissioner, District Superintendent or Assistant Superintendent shall be forwarded by him *without delay* to his immediate superior.

Bom.—IV of 1890, s. 32 (1), with a slight addition.

Police officers to be deemed to be always on duty and to be liable to employment in any part of Mysore.

29. Every Police officer shall, for all purposes of this Regulation, be deemed to be always on duty *and may* at any time be transferred to or employed on Police duty in any part of Mysore for so long as his services may be there required.

Bom.—IV of 1890, s. 33 (1), with an addition.

Police officer not to engage in trade, etc.

30. (1) No Police officer shall engage in trade or be in any way concerned, either as principal or as agent, *in any dealing in land* within the district, wherein he is employed or in any commercial transaction whatever, or bid for property sold by order of a Criminal Court, *or have money transactions with another Police officer* without the permission of the Deputy Commissioner or Inspector-General, or of Government.

Bom.—IV of 1890, s. 33 (2).

Police officers not to be employed on other than Police duties.

(2) No Police officer shall, unless with the written permission of the Inspector-General, hold any office, or practice in any profession, or engage in any emyloyment whatever, other than his office or duties as such Police officer.

Bom.—IV of 1890, s. 33 (3).

These prohibitions to apply also when Police officer is on leave or under suspension.

(3) The prohibitions in sub-sections (1) and (2) apply when a Police officer is on leave or under suspension as well as when he is on duty.

Bom.—IV of 1890, s. 34.

Under what conditions Police officer may resign.

31. (1) Unless with the written permission of the Deputy Commissioner or of some other Police officer empowered by the Inspector-General *in this behalf*, no Police officer of or below the rank of Inspector

shall resign his office or withdraw himself from the duties thereof until—

(a) the expiration of two months after written notice of his intention so to do has been given by him to the Deputy Commissioner: and until—

(b) he has fully discharged any debt due by him, as such Police officer, to Government or to any Police fund.

Proviso.

(2) Provided that, if any such Police officer produces a certificate signed by the principal Medical officer in the district declaring him to be unfit, by reason of disease or mental or physical incapacity, for further service in the Police, the necessary written permission to resign shall forthwith be granted to him on his discharging or giving satisfactory security for the payment of any debt due by him as aforesaid.

Arrear pay of Police officer contravening this section may be forfeited.

(3) If any such Police officer as aforesaid resigns or withdraws himself from the duties of his office in contravention of this section, he shall be liable, on the order of the Deputy Commissioner, to forfeit all arrears of pay then due to him. This forfeiture shall be in addition to the penalty to which the said officer is liable under Section 33 of this Regulation or other law in force.

Bom.—IV of 1890, s.35.

Certificate, arms, etc., to be delivered up by person ceasing to be Police officer, and

32. (1) Every person who for any reason ceases to to be a Police officer shall forthwith deliver up to some officer empowered by the Deputy Commissioner to receive the same, his certificate of appointment or of office and the arms, accoutrements, clothing and other necessaries which have been furnished to him for the execution of his office.

if not delivered up, may be seized under search warrant.

(2) Any Magistrate and, for special reasons which shall be recorded in writing at the time, any District Superintendent may issue warrant to search for and seize, wherever they may be found, any certificate, arms, accoutrements, clothing or other necessaries not so delivered up. Every warrant so issued shall be executed in accordance with the provisions of the Code of Criminal Procedure, by a Police officer or, if the Magistrate or District Superintendent issuing the warrant so directs, by any other person.

Saving of certain articles.

(3) Nothing in this section shall be deemed to apply to any article which, under the orders of the Inspector-General, has become the property of the person to whom the same was furnished.

Penalty for making false statement, etc.,

33. (1) Any person who makes a false statement or uses a false document for the purpose of obtaining employment or release from employment as a Police officer, or

Bom.—IV of 1890, s. 36.

and for misconduct of Police officers.

(2) any Police officer who—

(a) contravenes any provision of Section 30, or

(b) is guilty of cowardice, or

1494

(*c*) resigns his office or withdraws himself from the duties thereof in contravention of Section 31, or

(*d*) is guilty of any wilful breach, or neglect of any provision of law or of any rule or order which, as such Police officer, it is his duty to observe or obey, or

(*e*) is guilty of any violation of duty for which no punishment is expressly provided by any other law in force,

shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

Consequence of failure to return to duty after leave,

(3) A Police officer who, being absent on leave, fails, without reasonable cause, to report himself for duty on the expiration of such leave, shall, for the purposes of clause (*c*), be deemed to withdraw himself from the duties of his office within the meaning of Section 31.

Bom.—IV of 1890, s. 37.

Penalty for failure to deliver up certificate of appointment or of office or other article.

34. Any Police officer who wilfully neglects or refuses to deliver up his certificate of appointment or of office or any other article, in accordance with the provision of sub-section (1) of Section 32, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

CHAPTER IV.

POLICE REGULATIONS.

Bom.—IV of 1890, s. 38, slightly modified.

Power of Government to make orders in matters under Section 144 of Criminal Procedure Code.

35. *It shall be competent for the Government to make by notification, any order which, if made by a Magistrate under Section 144 of the Code of Criminal Procedure, could be continued in force by Government under the said section.*

Do s. 39.

Rules may be made by District Magistrate regarding use of streets, etc.

36. (1) In any town or other place in which he thinks fit the Magistrate of the District, may, from time to time and subject to such orders as may have been made by a Municipal or other authority empowered in that respect, make rules or orders—

(*a*) closing certain streets or places temporarily, in cases of danger from ruinous buildings or other cause, with such exceptions as shall appear reasonable;

(*b*) for guarding against injury to persons and property in the construction, repair and demolition of buildings, platforms and other structures from which danger may arise to passengers, neighbours or the public;

(*c*) regulating the leading, driving, conducting or conveying of any elephant or wild or dangerous animal through or in any street;

(*d*) prohibiting the hanging or placing of any cord or pole across a street or part thereof, or the making of a projection or structure so as to obstruct traffic or the free access of light and air;

1 2295

(*e*) prescribing certain hours of the day during which ordure and offensive matter or objects shall not be taken from or into houses or buildings in certain streets or conveyed through such streets, and during which cattle shall not be driven along the streets or along certain specified streets, except subject to such reasonable regulations as he may prescribe in that behalf;

(*f*) prohibiting the setting fire to or burning any straw or other matter, or letting a bonfire or wantonly discharging a fire-arm or air-gun, or lighting off or throwing a fire-work or sending up a fire-balloon in or upon or within fifty feet of a street or building, or the putting up of any post or other thing on the side of or across a street for the purpose of affixing thereto lamps or other contrivances for illumination, except subject to such reasonable regulations as he may prescribe in that behalf;

(*g*) prohibiting, except under such reasonable regulations as he may impose, the making of any excavation, the placing of building materials or other articles, or the fastening or detention of any horse or other animal in any street;

Based on Bom.—IV of 1890, s. 40.

(*h*) regulating the blasting of rocks or the making of excavations in or near any street, and providing for the taking out of licenses for such operations;

Bom.—IV of 1890, s. 39 (1), clauses (h) to (m).

(*i*) prohibiting, save under such regulations as aforesaid, the exposure or movement in any street of persons or animals suffering from contagious or infectious diseases and the carcasses of animals or parts thereof and the corpses of persons deceased;

(j) setting apart places for the slaughtering of animals, the cleaning of carcasses or hides, the deposit of noxious or offensive matters, and for obeying calls of nature;

(*k*) *laying down such directions* in cases of existing or apprehended epidemic or infectious disease of men or animals with respect to cleanliness and disinfection of premises by the occupier thereof and residents therein, and as to the segregation and management of the persons or animals diseased or supposed to be diseased, as may have been ordered or approved by Government with a view to prevent the disease or to check the spreading thereof;

(*l*) directing the closing or disuse wholly or for certain purposes, or limiting to certain purposes only the use, of any source, supply or receptacle of water; and providing against pollution of the same or of the water therein;

(*m*) regulating the hours during which and the manner in which any place for the disposal of the dead, any chattram, village gate or other place of public resort may be used, so as to secure the equal and appropriate application of its advantages and accommodation and to maintain orderly conduct amongst those who resort thereto;

(*n*) regulating the entrance and exit of persons at theatres and other places of public amusement or assembly, the decent and orderly conduct of proceedings therein and the movement of persons, animals and vehicles at such times and such places at which, in the opinion of the Magistrate, special regulations may be necessary for the public safety and convenience.

Bom.—IV of 1890, s. 39 (2), with alterations and additions.

1496

Manner of publication of such rules.

(2) Every regulation made under clause (*i*) or made under clause (*m*) with respect to the use of a place for the disposal of the dead shall be framed with due regard to ordinary and established usages and to the necessities of prompt disposal of the dead in certain case. *The rules and orders made under the several clauses of this section shall be published in one or more of the methods described below, to be determined by the Magistrate of the District with reference to the circumstances of each case :—*

(a) by delivery of copy of the rule or order to the party concerned,

(b) by affixing notice of the same in such language as may be found suitable at a conspicuous place or places in or near the building, platform, structure, street, locality, source of supply or receptacle of water, place for disposal of the dead, chattram, village gate, theatre or other place of public resort or amusement,

(c) by affixing such notice in the chavadi, Police station or Taluk cutcherry or in more than one of these places,

(d) by publication of the same in the official Gazette, and if the Magistrate so direct, in local newspapers,

(e) by beat of tom-tom in such places and at such times as the Magistrate may prescribe.

Bom.—IV of 1890, s. 39 (3) and (4).

Rules under clause (1) (*k*) to be reported to Government.

(3) Every rule promulgated under authority of clause (*k*) of sub-section (1) of this section shall be forthwith reported to Government and shall be in force for not more than fifteen days unless extended by Government for longer period and in such case for so long as Government directs.

(4) It shall be the duty of all persons concerned to conform to any order duly made as aforesaid so long as the same shall be in operation.

Bom.—IV of 1890, s. 41.

Discontinuance of brothels.

37. On complaint being made to a Magistrate of a District or of a Sub-Division that any house in a town or village in his district or sub-division to which the Government has by notification extended this section is used as a common brothel or lodging-house or place of resort for prostitutes or disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, the said Magistrate may summon the owner or tenant of the house to answer the complaint, and on being satisfied that the house is so used may order the owner or tenant, within a reasonable period which shall be set forth in the order, to discontinue such use of it.

Act III of 1867, s. 5, and Mad.—III of 1888, s. 42.

District Magistrate, etc., may authorise Police officer to enter common gaming-house.

38. If the Magistrate of the District or a First Class Magistrate or the District Superintendent of Police has reason to believe that any building, enclosure, room or place in *any* town or village, is used as a common gaming-house, he may, *either himself enter or* by his warrant give authority to any Police officer above the rank of

1497

a constable to enter with such assistance as may be found necessary, by night or by day and by force, if necessary, any such building, enclosure, room or place and to arrest all persons found therein, and to seize all instruments of gaming and all moneys and securities for money and articles of value reasonably suspected to have been used or intended to be used for the purpose of gambling, which are found therein, and to search all parts of such building, enclosure, room or place and also the persons found therein.

Bom.—IV of 1890, s. 42.

Issue of orders by Magistrates for prevention of disorder.

39. (1) The Magistrate of the District, or in his absence and subject to his order, *any* Magistrate of the First Class having jurisdiction in any town or village and present therein or in the neighbourhood thereof, may, whenever and for such time as it shall appear necessary, by a notification publicly promulgated or addressed to individuals, prohibit in such town or village or the vicinity thereof the carrying of arms, cudgels or other weapons, the carrying, collection and preparations of stones or other missiles or instruments or means of casting or impelling missiles, the exhibition of persons or of corpses or figures thereof, the public utterance of cries, singing of songs, playing of music, delivery of harangues and use of gestures or mimetic representations and the preparation, exhibition or dissemination of pictures, symbols, placards or of any other object or thing, which may be of a nature to outrage morality or decency or, in the opinion of such Magistrate, may probably inflame religious animosity or hostility between different classes or incite to the commission of an offence, to a disturbance of the public peace or to resistance to or contempt of the law, or of a lawful authority.

Orders by subordinate magistrate to be communicated to District Magistrate.

(2) An order made under this section by a subordinate Magistrate shall be forthwith communicated to the Magistrate of the District, who shall thereupon confirm, cancel or modify the same as shall seem expedient.

Bom.—IV of 1890, s. 43, with an addition.

Issue of orders by Magistrate of the District for prevention of riot or grave disturbance of peace.

40. In order to prevent an impending or apprehended riot or grave disturbance of the peace, the Magistrate of the District, or, in his absence and subject to his control, any Magistrate of the First Class having local jurisdiction, may temporarily close or take possession of any building or place, and may exclude all or any persons therefrom or may allow access thereto to such persons only and on such terms as he shall deem expedient. All persons concerned shall be bound to conduct themselves in accordance with such order as the Magistrate may make and notify in the exercise of the authority hereby vested in him.

Bom.—IV of 1890, s. 44.

Issue of orders by Magistrate of District for maintenance of order at religious ceremonials, etc.

41. (1) In any case of an actual or intended religious or ceremonial or corporate display or exhibition or organized assemblage in any street as to which or the conduct of or the participation in which it shall appear to the Magistrate of the District that a dispute or contention exists which is likely to lead to grave

1448

disturbance of the peace, such Magistrate may give such orders as to the conduct of the persons concerned towards each other and towards the public as he shall deem necessary and reasonable under the circumstances, regard being had to the apparent legal rights and to any established practice of the parties and of the persons interested. Every such order shall be published in the town or place wherein it is to operate, and all persons concerned shall be bound to conform to the same.

Orders to be subject to decrees, etc. of Courts.

(2) Any order made under the foregoing sub-section shall be subject to a decree, injunction or order made by a Court having jurisdiction, and shall be recalled or altered on its being made to appear to the Magistrate of the District that such order is inconsistent with *any* judgment, decree, injunction or order of such Court.

Bom.—IV of 1890, s. 45.

District Magistrate may take special measures to prevent outbreak of epidemic disease at fairs, etc.

42. (1) Whenever it shall appear to the Magistrate of a District, that any place in the district at which, on account of a fair, pilgrimage or other such occurrence, large bodies of persons have assembled or are likely to assemble, is visited or will probably be visited with an outbreak of any epidemic disease, he may take such special measures and may by Police notice prescribe such regulations to be observed by the residents of the said place and by persons present thereat or repairing thereto or returning therefrom, as he shall deem necessary to prevent the outbreak of such disease or the spread thereof.

Levy of fees in such cases.

(2) It shall be lawful for the Magistrate of the District, subject to the orders of the Government, to assess and levy such reasonable fees on persons falling under the provisions of sub-section (1) as will provide for the expenses of the arrangements for sanitation and the preservation of order at and about the place of assemblage.

Recovery of expenses from municipalities.

(3) When the place of assemblage is within the limits of a municipality such sums as shall be necessary for the purposes aforesaid may be recovered from the municipality.

Bom.—IV of 1890, s. 46.

Dispersal of gangs and bodies of persons.

43. Whenever it shall appear to the Magistrate of a District or to any Sub-Divisional Magistrate that the movement or encampment of any gang or body of persons in the district is causing or is calculated to cause danger or alarm or *to create* reasonable suspicion that unlawful designs are entertained by such gang or body or by members thereof, such Magistrate may, by notification addressed to the persons appearing to be the leaders or chief men of such gang or body and published by beat of drum or otherwise as such Magistrate thinks fit, direct the members of such gang or body so to conduct themselves as shall seem necessary in order to prevent violence and alarm, or to disperse and each of them to remove himself to such place by such route as such Magistrate shall prescribe.

Bom.—IV of 1890, s.47.

1499

Police to provide against disorder, etc., at public places of amusement and public meetings.

44. (1) For the purpose of preventing serious disorder or breach of the law or manifest and imminent danger to the persons assembled at any public place of amusement or at any assembly or meeting to which the public are invited or which is open to the public, the senior Police officer of highest rank superior to that of constable, present in the town or village where such place of amusement is situate or such assembly or meeting is to be held, may, subject to such rules and orders as may have been lawfully made, give such reasonable directions as to the mode of admission of the public to, and for securing the peaceful and lawful conduct of the proceedings at, such place of amusement or such assembly or meeting, as he thinks necessary; and all persons shall be bound to conform to every such reasonable direction.

Police to have free access thereto.

(2) The Police shall have free access to every such place of amusement, assembly or meeting, for the purpose of giving effect to the provisions of sub-section (1) and to any direction made thereunder.

Bom.—IV of 1890, s.48.

Police to regulate assemblies, etc., in public streets.

45. (1) *Any officer of Police not below the grade of an Inspector* may, subject to any rule or order which may at any time be legally made by any Magistrate, or other authority duly empowered in this behalf—

(*a*) make rules for and direct the conduct of and behaviour or action of persons constituting assemblies and processions and moving crowds or assemblages on or along the streets, and prescribe, in the case of processions, the routes by which, the order in which, and the times at which the same may pass, *and issue licenses therefor;*

(*b*) regulate and control, by the grant of licenses or otherwise, the playing of music, the beating of drums, tom-toms or other instruments and the blowing or sounding of horns or other noisy instruments in or near a street;

(*c*) make reasonable orders subordinate to and in furtherance of any order made by a Magistrate under Sections 36 to 43 of this Regulation.

Manner of publication of such rules and orders.

(2) Every rule and order made under this section shall be published at or near the place where it is to operate, or shall be notified to the person affected thereby, and all persons concerned shall be bound to act comformably thereto.

Act V of 1861, s. 30 A (1), slightly altered.

Powers with regard to assemblies, etc., violating such rules or orders.

(3) Any Magistrate or any Police officer *not below the officer* in charge of a Police station may stop any procession which violates any such *license*, rule or order, and may order it or any assembly, moving crowd or assemblage which violates any such *license*, rule or order to disperse.

Act V of 1861, s. 30 A (2), slightly altered.

Assembly violating such orders to be deemed unlawful assembly.

(4) Any procession or assembly or moving crowd or assemblage which neglects or refuses to obey any *such license, rule or* order given under the last preceding sub-section shall be deemed to be an unlawful assembly.

Bom.—IV of 1890, s.49.

1500

Provisions as to dogs.

46. (1) The Magistrate of the District, may, by public notice, extending to such place or places within the district as shall therein be named, require every dog, while in the streets and not led by some person, to be muzzled in such a manner as will admit of the animal breathing and drinking without obstruction and effectually prevent it from biting, and the Police may, except as is hereinafter in sub-section (2) provided, destroy any dog found loose in any place beyond the premises of the owner thereof during the currency of such order, or may take possession of any such dog and detain the same until the owner *claims* it, *provides* a proper muzzle, and *pays* all expenses connected with such detention.

When dogs may be destroyed or sold by Police.

(2) The Police shall not destroy any dog which wears a collar bearing a known owner's name, unless such dog is rabid, until the same has remained in their possession for three clear days without the owner claiming it and paying all expenses incurred by its detention; but may sell or destroy any dog which has remained in their possession for the said period without the owner claiming it and paying the said expenses.

How expenses may be recovered.

(3) For the expenses incurred under the preceding sub-sections the owner of the dog shall be answerable as for an arrear of land revenue.

Provision in case of dog wearing collar with owner's address.

(4) When any dog taken possession of by the Police wears a collar with the apparently genuine address of any person inscribed thereupon, a letter stating the fact of such dog having been taken possession of shall be forthwith sent by post to the said address.

CHAPTER V.

EXECUTIVE POWERS AND DUTIES OF THE POLICE.

Bom.—IV of 1890, s.51.

Duties of Police officer.

47. (1) Every Police officer shall--

(*a*) promptly obey and execute every warrant or other order lawfully issued to him by competent authority; and shall by all lawful means endeavour to give effect to the commands of his superior;

(*b*) to the best of his ability, obtain intelligence concerning the commission of cognizable offences or designs to commit such offences, and *report* such information and take such other steps, consistent with law and with the orders of his superiors, as shall be best calculated to bring offenders to justice or to pervent the commission of offences;

(*c*) to the best of his ability, prevent the commission of public nuisances;

(*d*) apprehend all persons whom he is legally authorized to apprehend, and for whose apprehension there is sufficient reason;

(*e*) aid another Police officer when called on by him or in case of need, in the discharge of his duty, in such ways as would be lawful and reasonable on the part of the officer aided;

1501

(*f*) discharge such duties as are imposed upon him by any law relating to revenue or any other law at the time in force.

Power to enter places of public resort *without warrant.*

(2) Every Police officer may subject to the rules and orders made by Government or by a person lawfully authorised, enter *for the purpose of sub-section* (1) without a warrant, and inspect any place of public resort and any place which he has reason to believe is used as a drinking shop, or shop for the sale of intoxicating drugs or a place of *resort for prostitutes and disorderly persons.*

Power to search suspected persons in the streets.

(3) When in a street or place of public resort *a person is suspected to be in possession* or apparent possession of any article which a Police officer in good faith suspects to be stolen property, such Police officer may search for and examine the same and may require an account thereof, and should the account given by the possessor be manifestly false or suspicious, may detain such article and report the facts to a Magistrate, who shall thereon proceed according to Sections 523 and 525 of the Code of Criminal Procedure or other law in force.

Bom.—IV of 1890, s. 52.

Duties of Police officers towards the public.

48. It shall be the duty of every Police officer—

(*a*) to afford every assistance within his power to disabled or helpless persons in the streets, and to take charge of intoxicated persons and of lunatics at large who appear dangerous or incapable of taking care of themselves;

(*b*) to take prompt measures *for procuring* necessary help for any person under arrest or in custody, who is wounded or sick, and to have due regard to his condition *whilst guarding or conducting him*;

(*c*) to arrange for the proper sustenance and shelter of every person who is under arrest or in custody;

(*d*) in conducting searches, to refrain from needless rudeness and the causing of unnecessary annoyance;

(*e*) in dealing with women and children, to act with strict regard to decency and with reasonable gentleness;

(*f*) to use his best endeavours to prevent any loss or damage by fire;

(*g*) to use his best endeavours to avert any accident or danger to the public.

Bom.—IV of 1890, s. 53.

Police to regulate traffic, etc., in streets; and

49. (1) It shall be the duty of a Police officer—

(*a*) to regulate and control the traffic in the streets, to prevent obstructions thereon and, to the best of his ability, to prevent the infraction of any of the provisions of this Regulation or of any rule or order made thereunder or of any other law in force for observance by the public in or near the streets;

to keep order in streets and other public places; and

(*b*) to keep order in the streets and at and within public bathing, washing and landing places, fairs, temples and all other places of public resort and in the neighbourhood of places of public worship during the time of public worship;

1502

(c) to regulate resort to public bathing, washing and landing places, to prevent overcrowding thereat and in public ferry-boats and, to the best of his ability, to prevent the infraction of any rule or order lawfully made for observance by the public at any such place or on any such boat.

to regulate resort to public places.

(2) All persons shall be bound to conform to the reasonable directions of a Police officer given in fulfilment of any of the said duties.

Persons bound to conform to reasonable orders of Police.

(3) A Police officer may restrain or remove any person resisting or refusing or omitting to conform to any such direction as aforesaid, and may either take such person before a Magistrate or, in trivial cases, may release him when the occasion is past.

Police officer may restrain or remove contumacious person.

Bom.—IV of 1890, s. 54.

50. Whenever a notification has been duly issued under Section 39 or an order has been made under Section 40 or 41, it shall be lawful for any Magistrate or Police officer to require any person acting or about to act contrary thereto to desist or to abstain from so doing, and, in case of refusal or disobedience, to arrest the person offending. Such Magistrate or Police officer may also seize any object or thing used or about to be used in contravention of such notification or order as aforesaid and the thing seized shall be disposed of according to the order of any Magistrate having jurisdiction at the place.

Enforcement of orders issued under Section 39, 40 or 41.

Bom.—IV of 1890, s. 55.

51. It shall be the duty of *a Police officer* to see that every regulation and notification made by the Magistrate of the District under Section 42, or by the Magistrate of the District or a Sub-Divisional Magistrate under Section 43, is duly obeyed, to warn persons who, from ignorance, fail to obey the same, and to arrest any person who wilfully disobeys the same.

Duty of Police to see orders issued under Section 42 or 43 carried out.

Bom.—IV of 1890, s. 56.

52. A Police officer may take charge of any *cattle* which may be found straying in a street, and may take or send the same to the nearest pound, and the owner and other persons concerned shall thereon become subject to the provisions of *The Cattle Trespass Act.*

Police officer may take charge of stray cattle.

Bom.—IV of 1890, s. 57, altered in accordance with the existing Police Rules.

53. The Police shall take charge of all unclaimed property found by or made over to them, and shall forthwith report *the same to the Magistrate having local jurisdiction, who shall deal with the property as if it were property falling under Section 523 of the Criminal Procedure Code.*

Duty of Police with regard to unclaimed property.

Bom.—IV of 1890, s. 60.

54. A Police officer of rank superior to that of constable may perform any duty assigned by law or by a lawful order to any officer subordinate to him; and in case of any duty imposed on such subordinate, a superior, where it shall

Superior Police officer may himself perform duties imposed on his inferior, etc.

1503

appear to him necessary, may aid, supplement, supersede or prevent any action of such subordinate by his own action or that of *any other person* lawfully acting under his command or authority.

CHAPTER VI.

OFFENCES AND PUNISHMENTS.

Bom.—IV of 1890, s. 61.

Punishment of certain street offences and nuisances.

55. In any local area to which the Government by notification from time to time extends this section or any part thereof, whoever contrary thereto—

driving on dark nights without light.

(*a*) without lawful excuse drives along, or keeps standing in, any street a vehicle of any description at any time between three-quarters of an hour after sunset and one hour before sunrise, without a sufficient light or lights except when there is sufficient moon-light to render such light unnecessary;

disregarding the rule of the road;

(*b*) *without reasonable cause, drives, drags, or pushes any vehicle otherwise than on the near or left side of the road, or passes any vehicle except on the right side of it and at any speed higher than what may be prescribed by notification by Government;*

leaving cattle, etc., insufficiently tended;

(*c*) leaves in any street insufficiently tended or secured any animal or vehicle;

causing obstruction or mischief by animals;

(*d*) causes obstruction, injury, danger or alarm in any street, or mischief, by any misbehaviour, negligence or ill-usage in the driving, management or care of any animal or vehicle, or *drives* any vehicle or animal laden with timber, poles or other unwieldy articles through a street, contrary to any regulation made in that behalf and published by the Magistrate of the District;

exposing animal for hire or sale, etc;

(*e*) exposes for hire or sale any animal or vehicle, cleans any furniture or vehicle, or cleans, grooms, trains or breaks in any horse or other animal or makes or repairs any vehicle or any part of a vehicle in any street (unless when in the case of an accident repairing on the spot is necessary) or carries on therein any manufacture or operation so as to be a serious impediment to traffic or a serious annoyance to residents or to the public;

causing any obstruction in street;

(*f*) (i) causes obstruction in any street by allowing any animal or vehicle which has to be loaded or unloaded or *has* to take up or set down passengers, to remain or stand therein longer than may be necessary for such purpose; or by leaving any vehicle standing or *by* fastening any cattle therein, or using any part of a street as a halting-place for vehicles or cattle or by leaving any box, bale, package or other thing whatsoever in or upon a street for an unreasonable length of time;

(ii) *or causes obstruction* by exposing anything for sale or setting out anything for sale in or upon any stall,

booth, board, cask, basket or in any other way whatsoever *contrary to any regulation made and published by the Magistrate of the District;*

1502

obstructing foot-way;

(*g*) causes obstruction on any foot-way, *or drives, rides or leaves any animal or drives, drags or pushes any vehicle thereupon*;

exhibiting mimetic, musical or other performances, etc.;

(*h*) exhibits, contrary to any regulation made and notified by the Magistrate of the District, any mimetic, musical or other performances of a nature to attract crowds, or carries or places bulky advertisements, pictures, figures, or emblems in any street whereby an obstruction to passengers or annoyance to the inhabitants may be occasioned;

gambling in street;

(*i*) assembles with others or joins any assembly in a street *gathered* for the purpose of gaming or wagering;

doing offensive acts on or near public streets;

(*j*) (i) slaughters any animal or cleans a carcass or hide, except in some place set apart for the purpose by order of the District Magistrate or of some other person having lawful authority in that behalf;

(ii) *obeys a call of nature or permits a child to do so, or bathes or washes his person in or near to and within sight of a street*, so as to cause annoyance to the neighbouring residents or to passers-by;

letting loose horses, etc., and suffering ferocious dogs to be at large;

(*k*) negligently lets loose any horse or other animal so as to cause danger, injury, alarm or annoyance *to the public*, or suffers a ferocious dog to be at large without a muzzle, or sets on or urges a dog or other animal to attack, worry or put in fear any person or animal;

bathing or washing in places not set apart for those purposes;

(*l*) bathes or washes in or by the side of a public well, tank, or reservoir, not set apart for such purpose by order of the Magistrate of the District or of some other person having lawful authority in that behalf, or in or by the side of any pond, pool, aqueduct, part of a river, stream, nalla or other source or means of water-supply in which such bathing or washing is forbidden by order of the Magistrate of the District or other person having lawful authority in that behalf;

defiling water in public wells, etc.;

(*m*) defiles, or causes to be defiled, the water in any public well, tank, reservoir, pond, pool, aqueduct or a part of a river, stream, nalla or other source or means of water-supply, so as to render the same less fit for any purpose for which it is set apart as aforesaid;

obstructing bathers;

(*n*) obstructs or incommodes a person bathing at a place set apart for that purpose as aforesaid, by wilful intrusion or by using such place for any purpose for which it is not so set apart;

1505

behaving indecently in public;

(o) wilfully and indecently exposes his person, uses indecent language or behaves indecently or riotously or in a disorderly manner in a street or place of public resort, or in any public office;

being drunk and incapable;

(p) is drunk and incapable of taking care of himself in a street or place of public resort;

obstructing or annoying passengers in streets;

(q) wilfully pushes, presses, hustles or obstructs any passenger in a street, or *disturbs the public peace or order*, by violent movements, menacing gestures, wanton personal annoyance, screaming, shouting, wilfully frightening horses or cattle, or otherwise;

For the words in brackets, vide Mad.—III of 1888, s. 71, cl. 19.

misbehaviour with intent to provoke breach of peace;

(r) uses in any street any threatening, abusive or insulting words or behaviour (or posts up or affixes or exhibits any indecent, threatening, abusive or insulting paper or drawing) with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned;

begging and exposing offensive ailments;

(s) begs importunately for alms, or exposes or exhibits, with the object of exciting charity, any deformity or disease or any offensive sore or wound, in or near to and within sight of any street;

Act XXIV of 1899, s. 48, cl. (5).

throwing dirt into the street;

(t) throws or lays down any dirt, filth, rubbish, or any stones or building materials *in any street*, or causes any offensive matter to run from any house, factory, dungheap, or the like, into *any street*;

Act XXIV of 1899, s. 48, cl. (8).

neglecting to protect dangerous places;

(u) neglects to fence in or duly to protect any well, tank, or other dangerous place or structure;

Mad.—III of 1888, s. 71, cl. (16.)

affixing bills or defacing walls;

(v) without the consent of the owner or occupier, affixes or causes to be affixed any bill, notice or other paper upon any building, wall or fence, or writes upon or defaces or marks any such building, wall or fence;

Mad.—III of 1888, s. 71, cl. (20.)

soliciting for prostitution.

(w) solicits or molests any passenger for the purpose of prostitution;

shall be punished with fine which may extend to fifty rupees, *provided that imprisonment in default of payment of such fine shall not exceed eight days, notwithstanding anything contained in Section 67 of the Indian Penal Code.*

Bom.—IV of 1890, s. 62.

Punishment for cruelty to animals.

56. (1) Whoever cruelly beats, goads, overworks, overloads, ill-treats or tortures, or causes or procures to be cruelly beaten, goaded, overworked, overloaded, ill-treated or tortured any animal, shall be punished with imprisonment which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

(2) Jurisdiction in cases arising under this section shall not be exercised by a Magistrate of lower rank than

1506

the Second Class, unless such Magistrate be specially invested with jurisdiction for that purpose by the Government.

Act V of 1861, s. 19, slightly altered.

Penalty for refusal to serve as special Police officer.

57. Any person appointed a special Police officer under Section 17 who, without sufficient excuse, neglects or refuses to serve as such or to obey such lawful order or direction as may be given to him for the performance of his duties, shall be punished with fine which may extend to fifty rupees.

Bom.—IV of 1890, s. 63.

Penalty for vexatious search, arrest, etc., by Police.

58. Any Police officer who,—

(*a*) without lawful authority or reasonable cause, enters or searches or causes to be entered or searched any building, vessel, tent or place; or

(*b*) vexatiously and unnecessarily seizes the property of any person; or

(*c*) vexatiously and unnecessarily detains, searches, or arrests any person; or

(*d*) offers any unwarrantable personal violence to any person in his custody;

(*e*) holds out any threat or promise not warranted by law to *an accused person*;

shall for every such offence be punished with imprisonment for a term not exceeding two months, or with fine which may extend to five hundred rupees, or with both.

Bom.—IV of 1890, s. 64.

Penalty for vexatious delay in forwarding person arrested.

59. Any Police officer who vexatiously and unnecessarily delays forwarding any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person, shall be punished with fine which may extend to two hundred rupees.

Bom.—IV of 1890, s. 65.

Penalty for contravention of rules under Section 36, or of directions under Section 49.

60. Whoever—

(*a*) contravenes any rule or order made under Section 36, or

(*b*) opposes or fails to conform to any direction given by the police under Section 49,

(*c*) abets the commission of any offence *referred to in clause* (*a*) *or clause* (*b*),

shall be punished with fine which may extend to fifty rupees.

Bom.—IV of 1890, s. 67.

Penalty for failure to comply with order under Section 37.

61. Whoever fails to comply with an order made under Section 37, shall be punished with fine which may extend to twenty-five rupees for every day that such order continues to be disobeyed by him.

Act III of 1867, s. 3, and Mad.—III of 1888, s. 45.

Penalty for opening, etc., common gaming-house.

62. (1) Whoever opens, keeps, or uses or permits to be used any common gaming house, or conducts or assists in conducting the business of any common gaming-house, or advances or furnishes money for gaming therein, shall be *punished with* a fine not exceeding two hundred rupees, or imprisonment not exceeding three months, or both;

Act III of 1867, s. 4, and Mad.—III of 1888, s. 46.

Penalty for being found gaming in common gaming-house.

(2) whoever is found gaming or present for the purpose of gaming in a common gaming house, shall *be punished with* fine not exceeding one hundred rupees, or imprisonment not exceeding one month, or both.

Act III of 1867, s. 6, and Mad.—III of 1888, s. 43.

Explanation 1.—Any cards, dice, gaming-table or cloth, board, or other instruments of gaming found in any building, enclosure, room or place entered, or searched, under the provisions of Section 38 or on any person found therein shall be evidence that such building, enclosure, room or place is used as a common gaming house, and that the persons found therein were there present for the purpose of gaming although no play was actually *witnessed* by a Police officer or *others*.

Act III of 1867, s. 9, and Mad.—III 1888, s. 44.

Explanation 2.—It shall not be necessary, in order to convict any person keeping a common gaming-house or of being concerned in the management of any gaming-house, to prove that any person found playing at any game was playing for any money, wager, or stake.

Act III of 1867, s. 4, and Mad.—III of 1888, s. 46.

Explanation 3.—Any person found in any common gaming-house, during any gaming or playing therein, shall be presumed, until the contrary be proved, to have been there for the purpose of gaming.

Act III of 1867, s. 8, and Mad.—III of 1888, s. 47.

Instruments of gaming may be ordered to be destroyed on conviction.

63. On conviction of any person for keeping common gaming-house, or being present therein for the purpose of gaming, all the instruments of gaming found therein may be destroyed by order of the Magistrate, and such Magistrate may order all or any of the other articles seized or the proceeds thereot to be forfeited.

Act III of 1867, s. 11, and Mad.—III of 1888, s. 48.

Indemnification of witnesses.

64. Any person who shall have been concerned in gaming contrary to this Regulation, and who shall be examined as a witness before a Magistrate on a trial of any person for a breach of any of the provisions of the Regulation relating to gaming and who upon such examination shall make true and faithful discovery to the best of his knowledge of all things as to which he shall be so examined and who shall thereupon receive from the said Magistrate a certificate in writing to that effect, shall be freed from all prosecutions under this Regulation for anything done before that time in respect of such gaming.

Act III of 1867, s. 12, and Mad.—III of 1888, s. 49.

Saving of games of skill.

65. Nothing in Sections 38 and 62 of this Regulation shall be held to apply to games of mere skill wherever played.

Act III of 1867, s. 16, and Mad.—III of 1888, s. 50.

Payment of portion of fine to informer or Police.

66. The Magistrate may *award any* portion, not exceeding one-half, of any fine which shall be levied under Section 62 of this Regulation, and of the moneys or proceeds of articles seized and ordered to be forfeited under Section 63, to informers or Police officers who may have assisted in the detection of the offenders.

Based on Act III of 1867, s. 13.

Penalty for setting birds and animals to fight in public street or place.

67. Whoever is found setting any birds or animals to fight in any public street, place or thoroughfare or is there present aiding and abetting such public fighting of birds and animals, may be arrested by any Police officer without a warrant, and shall be *punished*

1508

with fine not exceeding fifty rupees or imprisonment for a term not exceeding one month or *both*.

Mad.—III of 1888, s. 64.

Penalty for being found armed between sunset and sunrise intending to commit an offence, etc.

68. Whoever is found between sunset and sunrise—

(1) armed with any dangerous instrument with intent to commit an offence, or

(2) having his face covered, or otherwise disguised, with intent to commit an offence, or

(3) in any dwelling house or any other building, or on board any vessel or boat, without being able satisfactorily to account for his presence there, or

(4) lying or loitering in any street, or other place, being a reputed thief, and without being able to give a satisfactory account of himself, or

(5) having in his possession without lawful execuse any implement of house-breaking,

may be arrested by any Police officer without a warrant, and shall be *punished with* imprisonment for a term not exceeding three months.

Bom.—IV of 1890, s. 68.

Penalty for contravention of rules or directions under Sections 39, 40, 41, 44, and 45.

69. Whoever—

(*a*) disobeys an order lawfully made under Section 39, 40, or 41, or

(*b*) opposes or fails to conform to any direction given by the Police under Section 44, or—

(*c*) opposes and disobeys any rule made or direction given by the Police under Section 45, or—

(*d*) contravenes any condition of a license granted under clauses (*a*) and (*b*) of the said section, or

(*e*) abets the commission of any offence *referred to in* clause (*a*), (*b*), (*c*), or (*d*),

shall be punished with fine which may extend to two hundred rupees.

Bom.—IV of 1890, s. 69.

Penalty for contravention of regulation made under Section 42.

70. Whoever contravenes or abets the contravention of any regulation made under Section 42, shall be punished with imprisonment which may extend to three months, or with fine which may extend to two hundred rupees, or with both.

Bom.—IV of 1890, s. 70.

Penalty for contravention of direction given under Section 43.

71. Whoever opposes or disobeys any direction given by a Magistrate of a District or a Sub-Divisional Magistrate under Section 43, or abets opposition to, or disobedience of any such direction, shall be punished with imprisonment which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

Bom.—IV of 1890, s. 71.

Penalty for opposing or not complying with direction given under Section 50.

72. Whoever opposes or fails forthwith to comply with any reasonable direction given by a Magistrate or a Police officer under Section 50, or abets opposition thereto or failure to comply therewith, shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Bom.—IV of 1890, s. 72.

Jurisdiction when offender is a Police officer above the rank of constable.

73. Offences against this Regulation when [illegible] cused person or any one of [illegible] accused persons is a Police of[illegible] above the rank of constable, sh[illegible] not be cognizable by a Magistrate below the Second Class.

Bom.—IV of 1890, s. 73.

Prosecution for certain offences against Regulation to be in discretion of Police.

74. It shall not, except in obedience to a rule or order made by the Government or by the Magistrate of the District, be incumbent on the Police to prosecute for an offence punishable under Section 55, 56, 60, 61, 69, 70, or 71, when such offence has not occasioned serious mischief, and has been promptly desisted from on warning given.

Bom.—IV of 1890, s. 74.

Prosecution for offences under other enactments not affected by Regulation.

75. Nothing in this Regulation shall be construed to prevent any person from being prosecuted and punished under any other enactment for any offence made punishable by this Regulation or from being prosecuted and punished under this Regulation for an offence punishable under any other enactment: Provided that all such cases shall be subject to the provisions of Section 403 of the Code of Criminal Procedure.

CHAPTER VIII.

MISCELLANEOUS.

Bom.—IV of 1890, s. 75.

Disposal of rewards, etc., payable to Police officers.

76. All sums paid for the service of process by Police officers and all rewards, forfeitures and penalties or shares thereof which are by law payable to Police officers *or are awarded to them by Magistrates* shall, except as hereinafter in this section provided, be credited to Government: Provided that, with the sanction of Government, or under any rule made by Government in that behalf, the whole or any portion of any such reward, forfeiture or penalty may, for special services, be paid to Police officers *or other person.*

Bom.—IV of 1890, s. 77.

No Municipal or other rates to be payable by Government on Police buildings.

77. No Municipal or other local rates shall be payable by the Government on account of the occupation or use of any house of place by members of the Police force for the convenient performance of their duties.

Mad.—III of 1888, s. 78.

Power of Government to make rules.

78. (1) The Government may make rules consistent with this Regulation for more effectually carrying out the objects thereof and may, from time to time, repeal, [illegible]lter or amend such rules.

Cp. Criminal Tribes Act. XXVII of 1871.

Surveillance, [illegible]tc., of criminal gangs.

(2) Su[illegible]h rules may, among other matters, provide for the registration, surveillance, and control of gangs or classes of persons believed to be addicted to the systematic [illegible]commission of *crime, and for the recording of finger-impres[illegible]ions by the Police of any person who—*

(a) is i[illegible]custody for a non-bailable offence, or

(b) has [illegible] settled abode and is suspected to be addicted to crime, or

(c) is a [illegible]ber of a gang or class of persons generally addicted to crim[illegible]

Mad.—III of 1888, s. 79.

Publication of rules.

(3) Every [illegible]le under this section shall be published in the official Gazette in English and Kanarese, and shall come into effect one mo[illegible] from the date of its first publication.

Mad.—III of 1888, s. 80, and Act XXVII of 1871.

Penalty for breach of rules.

(4) For every breach of any such rule, the offender shall, on conviction, *be punished with* fine not exceeding ten rupees, or imprisonment not exceeding one month.

Bom.—IV of 1890, s. 78.

Method of proving orders and notifications issued under Regulation.

79. Any order or notification published or issued by the Government or by a Magistrate or officer under any provision of this Regulation, and the due publication and issue thereof may be proved by the production of a copy thereof in the official *Gazette*, or of a copy thereof signed by such Magistrate or officer and by him certified to be a true copy of an original, published and issued according to the provisions of the section of this Regulation applicable thereto.

Do s. 79.

Rules and orders not to be deemed invalid on account of defect of form or irregularity in procedure.

80. No rule, order, direction, adjudication, inquiry or notification made or published, and no act done under any provision herein contained or in substantial conformity to the same, shall be deemed illegal, void, invalid or insufficient for any defect of form or publication or any irregularity of procedure.

Do s. 80.

No magistrate or Police officer to be liable to any penalty *or* damages for act done in good faith in pursuance of duty.

81. (1) No Magistrate or Police officer shall be liable to any penalty *or* to payment of damages on account of any act done in good faith in pursuance or intended pursuance of any duty imposed or any authority conferred on him by any provision of this Regulation or of any rule, order or direction lawfully made or given thereunder.

No public servant liable as aforesaid for giving effect in good faith to any rule, order or direction issued with apparent authority.

(2) No public servant or person duly appointed or authorized shall be liable as aforesaid for giving effect in good faith to any such order or direction issued with apparent authority by the Government, or by a person empowered in that behalf under this Regulation or any rule made under any provision thereof.

Suits or prosecutions in respect of acts done under colour of duty as aforesaid not to be entertained or to be dismissed if instituted after one year.

(3) In any case of an alleged offence by a Magistrate, Police officer or other person, or of a wrong alleged to have been done by such Magistrate, Police officer or other person, by any act done under colour, or in excess of any such duty, or authority as aforesaid, or wherein it shall appear to the Court that the offence or wrong if committed or done was of the character aforesaid, the prosecution or suit shall not be entertained, or shall be dismissed, if instituted more than *one year* after the date of the act complained of.

Act V of 1861, s. 42.

Tender of amends.

(4) No plaintiff shall recover in any such suit if tender of sufficient amends shall have been made before the institution of such suit, or if a sufficient sum of money shall have been paid into Court after institution thereof, by or on behalf of the defendant, and, though a decree shall be given for the plaintiff in any such suit, such plaintiff shall not have costs against the defendant, unless the Court shall certify its approbation of the suit.

New.

Regulation not to affect any law relating to municipalities.

82. Nothing in this Regulation shall affect any of the provisions of any law in force relating to municipalities.

SCHEDULE A.

(See Section 2.)

ENACTMENTS REPEALED.

Number and year of enactment	Title or subject	Extent of repeal
V of 1861 ...	An Act for the Regulation of Police (as extended to the town of Bangalore by Government of India Notifications No. 385, dated the 11th December 1866, and No. 322—I. J., dated the 19th November 1879).	The whole.
III of 1867 ...	For the punishment of public gambling and the keeping of common gaming-houses (as extended to the town of Bangalore by Government of India Notification No. 240, dated the 11th December 1867).	The whole.
1872	Regular Police Rules, published under Government of India Notification No. 230 J., dated the 16th October 1872.	The whole, *with the exception of the provisions prescribing diaries, books, registers, returns and reports, so far as they are not inconsistent with this Regulation or Rules framed thereunder.*

SCHEDULE B.

(See Section 10.)

Form I.

FORM OF CERTIFICATE FOR INSPECTOR *of Police.*

The seal of the Inspector-General of Police in Mysore.

*A. B.** has been appointed *an Inspector in the Mysore Police Force*.....and is vested n the powers, functions and privileges of a Police officer under the Mysore Police Regula- 190 .

Dated the.....

(Signature)
Inspector-General of Police.

* *Particulars* :—

Father's name.....

Race, religion, caste.....

Native place.....

Age.....

1512

Form II.

Form of Certificate for Police Officer below the grade of Inspector.

A. B. has been appointed to the Police Force, Mysore, and is vested with the powers functions and privileges of a Police officer under the Mysore Police Regulation, 190 .*

Dated the.....

(Signature)

Deputy Commissioner.

** Particulars:—*

Father's name.....

Race, religion, caste.....

Native place.....

Age.....